

REMARKS

Applicants have amended claims 23, 27, 30, 34-37, 41, 44, 45, 49, and 52, and have cancelled claims 1-22, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner rejected claims 23-26, 28-30, 32-40, 42-48 and 50-52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. WIPO Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

The Examiner rejected claims 27, 41 and 49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. As modified by O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Ohler et al. (US Patent No. 6,314,367) and LeFebvre et al. (US Patent No. 5,612,882).

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. in view of O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Russian Metro Map.

Applicant respectfully traverses the § 103 rejections with the following arguments.

35 U.S.C. § 103(a): Claims 23-26, 28-30, 32-40, 42-48 and 50-52

The Examiner rejected claims 23-26, 28-30, 32-40, 42-48 and 50-52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. WIPO Publication No. 02/063243) in view of O'Carroll (US Patent No. 6,714,794).

Applicant respectfully contends that claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll, because Huckle in view of O'Carroll does not teach or suggest each and every feature of claim 23.

A first example of why claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll is that Huckle in view of O'Carroll does not teach or suggest the feature: "a service centre receiving a signal from a first device".

The Examiner argues that Huckle, page 2, lines 11-15 discloses the preceding feature of claims 23, 37, and 45 such that Huckle's base unit represents the claimed first device.

In response, Applicant respectfully contends that Huckle, page 2, lines 11-15 does not disclose that a service centre receives the signal from the base unit.

Therefore, Huckle does not disclose the preceding feature of claims 23, 37, and 45.

A second example of why claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll is that Huckle in view of O'Carroll does not teach or suggest the feature: "said signal specifying a destination location, a second device, and a request for at least one route leading to the destination location such that the at least one route is to be sent to the second device".

The Examiner argues that Huckle, page 8, lines 1-3, 6-8, and 17.

In response, Applicant asserts that Huckle, page 8, lines 1-3, 6-8, and 17 recites: “The landmark page is constructed entirely from data held in Table 3. Direction information can be requested from this display and is accessed from the corresponding record in Table 2 via the pointer held in the table 3 record... The final direction is read from Table 3 using the current record in Table 2 and is inserted as the last instruction... The Tables referred to above, which in practice are likely to be databases, can either be stored in the user carried device or could be located in a remote base station which communicates with the user portable device...”

Applicants assert that the preceding quote from Huckle, page 8, lines 1-3, 6-8, and 17 does not disclose that the signal specifies a destination location, a second device, and a request for at least one route leading to the destination location such that the at least one route is to be sent to the second device. In fact, the preceding quote from Huckle, page 8, lines 1-3, 6-8, and 17 does not even mention the signal.

Therefore, Huckle does not disclose the preceding feature of claims 23, 37, and 45.

A third example of why claims 23, 37, and 45 are not unpatentable over Huckle in view of O’Carroll is that Huckle in view of O’Carroll does not teach or suggest the feature: “determining a device type of the second device during or after said receiving the signal from the first device; and sending at least one set of images to the second device, wherein each set of images of the at least one set of images defines a unique route leading to the destination location, and wherein a total number of the at least one set of images and *a content of each set of the at least one set of images are a function of the determined device type*” (emphasis added).

The examiner argues: “Huckle et al fails to specifically teach: **(re claim 23)** determining a device type of the second device during or after said receiving the signal from the first device; wherein a total number of the at least one set of images and a content of each set of the at least one set of images are a function of the determined device type... O'Carroll teaches, at column 8, lines 32-37, determining a functionality level of a communication device, and at column 9, lines 26-32, reducing the number of image packets that are sent to a communication device whose functionality cannot handle more images.”

In response, Applicant interprets the Examiner's argument as alleging that the functionality of the communication device defines a device type of the communication device. Applicant notes that O'Carroll, col. 8, lines 32-37 discloses reducing the number of image packets sent to a communication device having a functionality of being able to display still images but not being able to display moving images.

However, O'Carroll, col. 8, lines 32-37 does not disclose that the content of the sent image packets is a function of the device functionality of being able to display still images but not being able to display moving images. In other words, O'Carroll, col. 8, lines 32-37 discloses changing the number of, but not the content of, image packets sent to a communication device.

Therefore, O'Carroll does not disclose the preceding feature of claims 23, 37, and 45.

Based on the preceding arguments, Applicants respectfully maintain that claims 23, 37, and 45 are not unpatentable over Huckle in view of O'Carroll, and that claims 23, 37, and 45 are in condition for allowance. Since claims 24-26, 28-30 and 32-36 depend from claim 23, Applicants contend that claims 24-26, 28-30 and 32-36 are likewise in condition for allowance.

Since claims 38-40 and 42-44 depend from claim 37, Applicants contend that claims 38-40 and 42-44 are likewise in condition for allowance. Since claims 46-48 and 50-52 depend from claim 45, Applicants contend that claims 46-48 and 50-52 are likewise in condition for allowance.

In addition with respect to claims 30, 44, and 52, Huckle in view of O'Carroll does not disclose the feature: "wherein each set of images comprises a furthest image that is furthest from the destination location, and wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location".

The Examiner argues: "Huckle et al also teaches: ... Wherein each set of images comprises a furthest image that is furthest from the destination path, and wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location (page 5, lines 9-13)".

In response, Applicant notes that Huckle, page 5, lines 9-13 recites: "Referring to Figures 4a and 4b, from either the 'landmark information' view or the 'street walking' view it is possible to request directions to reach this location from predetermined starting points (in the example shown the starting points are the nearest Underground or metro station, or one of three mainline stations: in this example, Liverpool St, Fenchurch St, and Cannon St)."

Applicant asserts that the preceding quote from Huckle, page 5, lines 9-13 does not disclose a ring of images formed collectively by the furthest images of the plurality of sets of images. Nor does Figures 4a and 4b, which are referred to in Huckle, page 5, lines 9-13.

Accordingly, claims 30, 44, and 52 are not unpatentable over Huckle in view of O'Carroll.

In addition with respect to claim 34, Huckle in view of O'Carroll does not disclose the feature: "wherein each image in the at least one set of images is keyed in the database by the destination location for each route of the routes defined by the at least one set of images".

The Examiner acknowledges that Huckle in view of O'Carroll does not disclose the preceding feature of claim 34.

The Examiner offers an explanation as to why it is allegedly obvious to modify Huckle in view of O'Carroll to incorporate the preceding feature of claim 34, which is not persuasive because the Examiner has not demonstrated that the preceding feature of claim 34 is known in the prior art. The Examiner's attempt to modify Huckle in view of O'Carroll by an unknown feature is legally unacceptable.

Accordingly, claim 34 is not unpatentable over Huckle in view of O'Carroll.

35 U.S.C. § 103(a): Claims 27, 41 and 49

The Examiner rejected claims 27, 41 and 49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. As modified by O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Ohler et al. (US Patent No. 6,314,367) and LeFebvre et al. (US Patent No. 5,612,882).

Since claims 27, 41 and 49 respectively depend from claims 23, 37, and 45 which Applicants have argued *supra* to not be unpatentable over Huckle in view of O'Carroll under 35 U.S.C. §103(a), Applicants maintain that claims 27, 41 and 49 are likewise not unpatentable Huckle in view of O'Carroll , and further in view of Ohler under 35 U.S.C. §103(a).

In addition with respect to claims 27, 41 and 49, Huckle in view of O'Carroll and further in view of Ohler does not disclose the feature: "receiving a vote on a usefulness of each received image in the at least one set of images".

The Examiner argues: "Huckle et al as modified by O'Carroll fails to specifically teach: (re claims 27, 41, and 49) receiving a vote on a usefulness of each received image in the at least one set of images... Ohler et al teaches an error reporting process for a navigation device (column 11, lines 16-21; and column 12, lines 46-49) in which the reported errors are counted as if they were votes (column 12, line 66 through column 13, line 9), and the database is corrected when there are many errors reports in an area (column 13, lines 12-15)."

In response, Applicant respectfully disagrees with the Examiner's allegation that the number of errors is indicative of the usefulness (or lack of usefulness) of the received image (or received data for Ohler). For example, it is incorrect to assume that data having two errors is less useful than data having one error if the two errors are not relevant to the usefulness of the

received image (or received data) and the one error is material to the usefulness of the received image (or received data).

In further response, Applicant respectfully notes that the preceding claimed feature requires a vote on usefulness is received for *each* received image, which Ohler does not disclose. Instead, Ohler, col. 12, lines 46-49 discloses that errors are received only for errors that have been reported and there is no disclosure in Ohler that errors are reported for *each* received image (or data) as claimed.

Accordingly, claims 30, 44, and 52 are not unpatentable over Huckle in view of O'Carroll and further in view of Ohler.

35 U.S.C. § 103(a): Claim 31

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. in view of O'Carroll as applied to claims 23, 37, and 45 above, and further in view of Russian Metro Map.

Since claim 31 depend from claim 23 which Applicants has argued *supra* to not be unpatentable over Huckle in view of O'Carroll under 35 U.S.C. §103(a), Applicants maintain that claim 31 is likewise not unpatentable Huckle in view of O'Carroll and further in view of Russian Metro Map under 35 U.S.C. §103(a).

In addition with respect to claim 31, Huckle in view of O'Carroll and further in view of Russian Metro Map does not disclose the feature: “ wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location ..., wherein the ring of images is shaped as ***a circle whose center is at the destination location***” (emphasis added).

The Examiner argues: “Huckle et al in view of O'Carroll fails to specifically teach: (re claim 31) wherein the ring of images is shaped as a circle whose center is at the destination location... Russian Metro Map teaches a schematic drawing in which the stations on the brown line which form a ring around Moscow are placed in a circle around Moscow.”

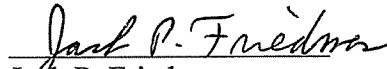
In response, Applicant notes that there is no destination location (i.e., station) at the center of the circle around Moscow in Russian Metro Map as claimed. Therefore, Russian Metro Map does not disclose the preceding feature of claim 31.

Accordingly, claim 31 is not unpatentable over Huckle in view of O'Carroll and further in view of Russian Metro Map.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

Date: 06/05/2009


Jack P. Friedman
Registration No. 44,688

Customer No. 30449
Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, New York 12110
Telephone (518) 220-1850
Facsimile (518) 220-1857
E-mail: jfriedman@iplawusa.com